

**Zoning Board of Appeals  
March 22, 2017 Regular Meeting**

**STAFF REPORT**

**Summary: ZBA17-007, 601 E. Hoover Avenue**

Donna K. Tope, property owner, requests a variance from Chapter 55, Section 5:24. A variance request of nineteen (19) feet eleven (11) inches to allow for an addition to an existing non-conforming residence. The property owner is proposing to remove the unenclosed covered rear porch and replace it with an enclosed addition in the same footprint. The existing rear yard setback of ten (10) feet one (1) inch will remain unchanged.

**Description and Discussion**

The subject parcel is a 2,265 square foot non-conforming corner lot that is currently being used as a rental property housing six occupants. The R1C district requires 7,200 square feet. The property has five bedrooms and one bathroom. The proposed addition will add a bathroom, laundry room, a sixth bedroom and a fire safety egress. The total addition will be approximately 220 square feet, 110 square feet per story.

**Standards for Approval - Variance**

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

- (a). That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.***

The subject structure was built in 1901, prior to the establishment of zoning laws. Once zoning was established it placed the home into its current nonconforming status. Applicant states that it has been difficult to improve the property due to its nonconforming status.

- (b). That the alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

If the variance is denied, the applicant will not be able to construct the proposed addition. However, interior modifications could be permitted. Under current circumstances, the owner cannot make any additions or alterations to the existing footprint without Zoning

Board of Appeals approval.

- (c). That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

If the variance is granted, the modified structure would be of similar massing and scale as the surrounding properties. The applicant states that the addition will not have an impact on the adjacent properties. The property currently has six (6) tenants and the addition will not increase the number of occupants.

- (d). That the conditions and circumstances on which the variance request is based shall not be a self imposed hardship or practical difficulty.***

Due to the period of time the structure was built, zoning was not enacted and the required setbacks were not in place. However, the proposal of an addition to the structure is a self imposed hardship, and the owner could still complete interior improvements without expanding the square footage of the structure.

- (e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure***

If the variance is granted, the addition will be 220 square feet for both floors of the addition and will be ten (10) feet one (1) inch from the rear property line. The addition will include a bedroom, bathroom and improved laundry area.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large, circular initial "J" and a cursive "B".

Jon Barrett  
Zoning Coordinator

601 E Hoover Ave

Sauer Ct

Benjamin St

Mary St

C1A/R

C1A

Arbor St

Parkland St

Sybil St

R4C

Mary Ct

Alley

S State St

C1A/R

E Hoover Ave

PL

PL

Arch St

Zoning Districts

Township Islands

City Zoning Districts



Railroads



Tax Parcels



Huron River



Map date 1/3/2017

Any aerial imagery is circa 2015 unless otherwise noted




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# 601 E Hoover Ave



-  Railroads
-  Tax Parcels
-  Huron River





Map date 1/3/2017  
Any aerial imagery is circa 2015  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)




601 E Hoover Ave



 Railroads

 Tax Parcels

 Huron River



Map date 1/3/2017  
Any aerial imagery is circa 2015  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

# APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE ZONING BOARD OF APPEALS

## Section 1: Applicant Information

Name of Applicant: Donna K. Tope  
 Address of Applicant: PO Box 1283, Ann Arbor, MI  
 Daytime Phone: 734.646.4034  
 Fax: \_\_\_\_\_  
 Email: dktope@umich.edu  
 Applicant's Relationship to Property: owner's attorney and property manager for the property.

## Section 2: Property Information

Address of Property: 601 East Hoover, Ann Arbor, MI 48104  
 Zoning Classification: R4C  
 Tax ID# (if known): 09-09-32-102-004  
 \*Name of Property Owner: Harry J. Richter, III

*\*If different than applicant, a letter of authorization from the property owner must be provided.*

## Section 3: Request Information

☐ Variance

Chapter(s) and Section(s) from which a variance is requested:

Chapter 55, Section 5:24 rear yard setback

Required dimension: PROPOSED dimension:

30'

Existing 10' 1"

10' 1" UNCHANGED

*Example: Chapter 55, Section 5:26*

*Example: 40' front setback*

*Example: 32'*

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

ALL ARCHITECTURAL

DRAWINGS ARE ATTACHED

## Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when **ALL** of the following is found **TRUE**. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals. (continued...)

Existing Condition

Code Requirement

Lot area \_\_\_\_\_

Lot width \_\_\_\_\_

Floor area ratio \_\_\_\_\_

Open space ratio \_\_\_\_\_

Setbacks The rear yard setback of 10' 1" has been in existence since 1901, code requires 30',  
Parking imposed on the lot when zoning was enacted in the '50's rendering it nonconforming.

Landscaping \_\_\_\_\_

Other \_\_\_\_\_

Describe the proposed alterations and state why you are requesting this approval:

We propose to place an addition on the foot print of the existing rear covered porch, which

established the rear yard set back at 10' 1" in 1901. The addition, which will create a laundry

room and 2d bathroom and a second ~~EMERGENCY~~ EGRESS from the 2d floor IS on the existing REAR

YARD SETBACK.

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

This is a rear yard setback. The properties which share the back lot line down the block from Mary

to State Street have rear yard setbacks that range from 3'3", 3'10.5", 8'2.5", 9'1.5", 9'4.5", 9'8.5",

9'11", 10'1", & 29'7.5". The house most impacted by the proposed rear yard set back has only grass on its side and rear yard, no doors opening into the back yard, no parking or easy access to the back yard and I have never seen anyone using the side or back yard for anything. There would be no

detrimental effect on the property to the north. The property to the east has only parking in its rear.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit an addition in the rear, ~~KEEPING~~ the rear

yard setback ~~AT~~ the current nonconforming 10'1" The property is

conforming to City Building and Rental Housing codes in all other respects.

**Section 6: Required Materials**

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on 8 1/2" by 11" sheets. (Continued.....)



- ☐ Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- ☐ Building floor plans showing interior rooms, including dimensions.
- ☐ Photographs of the property and any existing buildings involved in the request.
- ☐ Any other graphic or written materials that support the request.

## Section 7: Acknowledgement

### SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

734.646.4034

Phone Number

dktope@umich.edu

Email Address

*Donna K. Tope*

Signature

Donna K. Tope, MS JD, owner's attorney and manager

Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

*Donna K. Tope*

Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

*Donna K. Tope*

Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**

*Donna K. Tope*

Signature

On this 22 day of February, 2017, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

*Mary Ann Young*

Notary Public Signature

MARY ANN YOUNG

Print Name

12-27-2018

Notary Commission Expiration Date

### Staff Use Only

Date Submitted: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

File No.: \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Pre-filing Staff Reviewer & Date \_\_\_\_\_

ZBA Action: \_\_\_\_\_

Pre-Filing Review: \_\_\_\_\_

Staff Reviewer & Date: \_\_\_\_\_



# CERTIFIED SURVEY

## PROPERTY DESCRIPTION:

LAND SITUATED IN THE THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

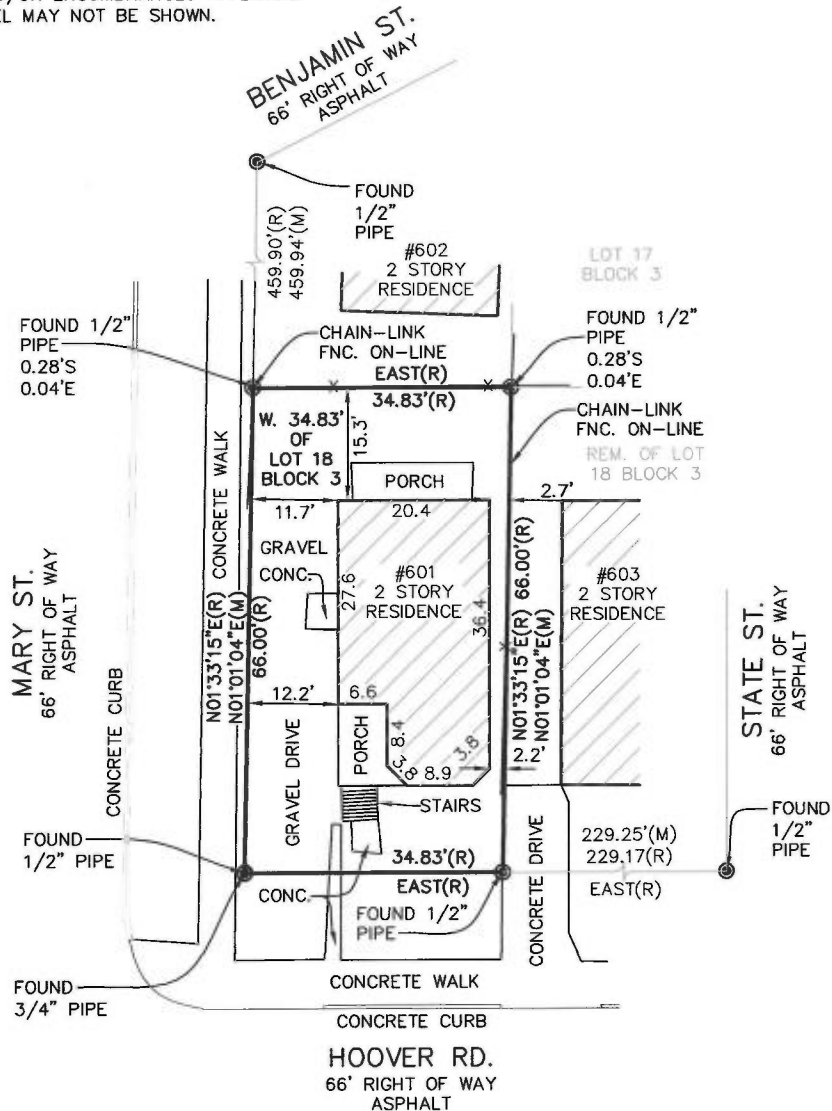
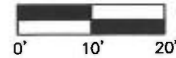
THE WEST 34 FEET AND 10 INCHES (34.83') IN WIDTH OF LOT 18, BLOCK 3; JOHN F. LAWRENCE'S ADDITION, AS RECORDED IN LIBER 1 OF PLATS, PAGE 25 OF WASHTENAW COUNTY RECORDS.

## NOTE:

A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.



SCALE: 1"=20'



## LEGEND

- SET 1/2" REBAR WITH CAP, #32341
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

THOMAS G. SMITH., P.S. NO. 32341



## KEM-TEC & ASSOCIATES

22556 GRATIOT AVE. EASTPOINTE, MI 48021  
PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS  
(586)772-2222 \* FAX (586)772-4048

CERTIFIED TO: CAMBRIDGE DEVELOPMENT GROUP, LLC

FIELD SURVEY: TS SW

DATE: JUNE 28, 2016

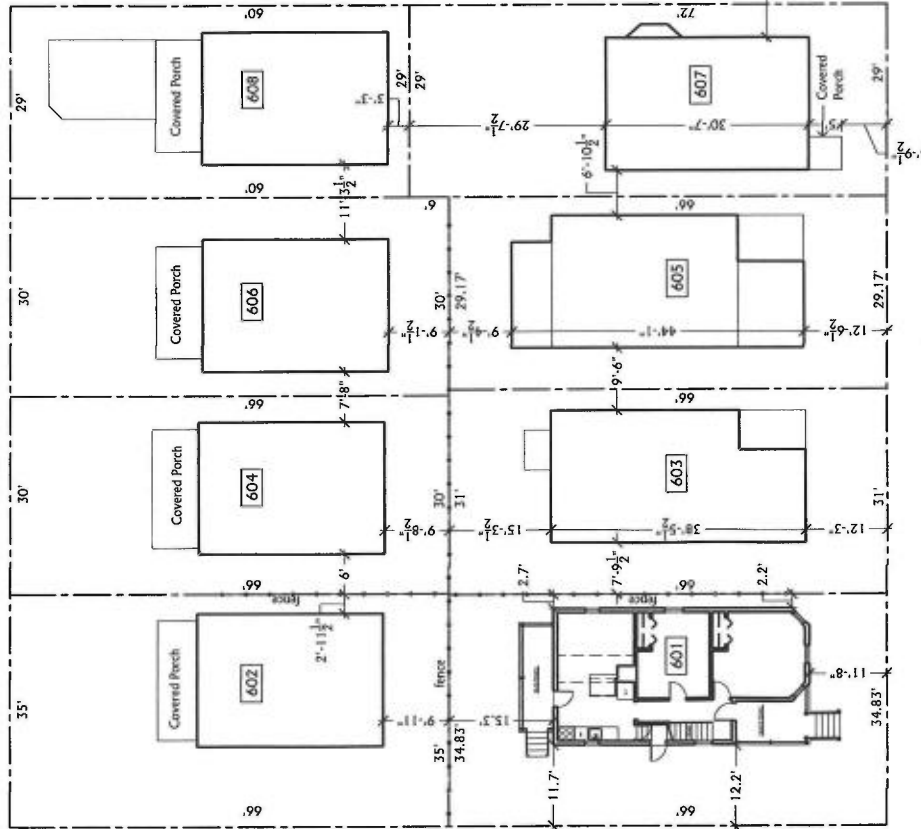
DRAWN BY: NS

SHEET: 1 OF 1

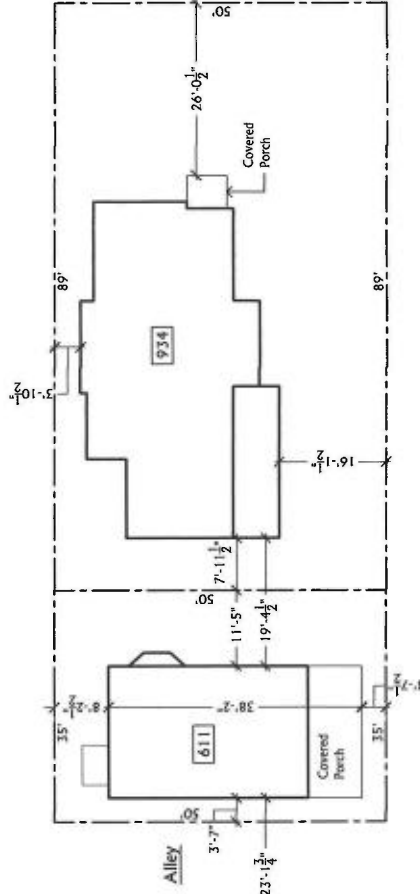
SCALE: 1" = 20'

JOB NO.: 16-02254

MARY CT.



MARY ST.



STATE STREET

E. HOOVER AVE.

OVERALL EXISTING SITE PLAN

Date: 12.16.16  
Scale: 1" = 30'-0"

SIDEWALK on MARY STREET

66.0'

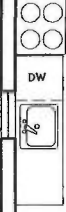
34.83'

fence



REAR PORCH

11.7'



KITCHEN

LIVING

2.7'

fence



STAIR

BEDROOM 1

66.0'

12.2'

FRONT PORCH

BEDROOM 2

2.2'



11'-8"

34.83'

NORTH



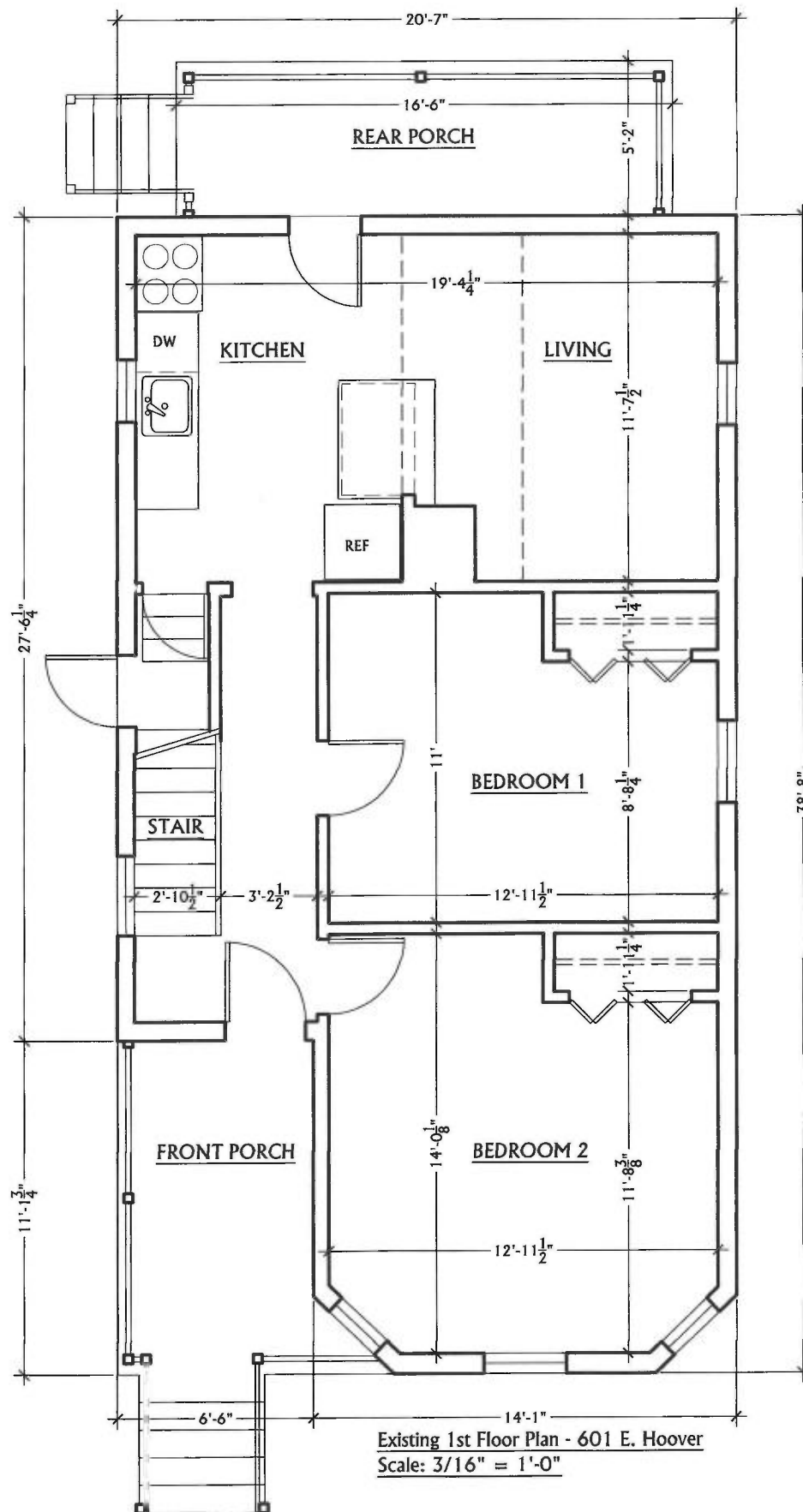
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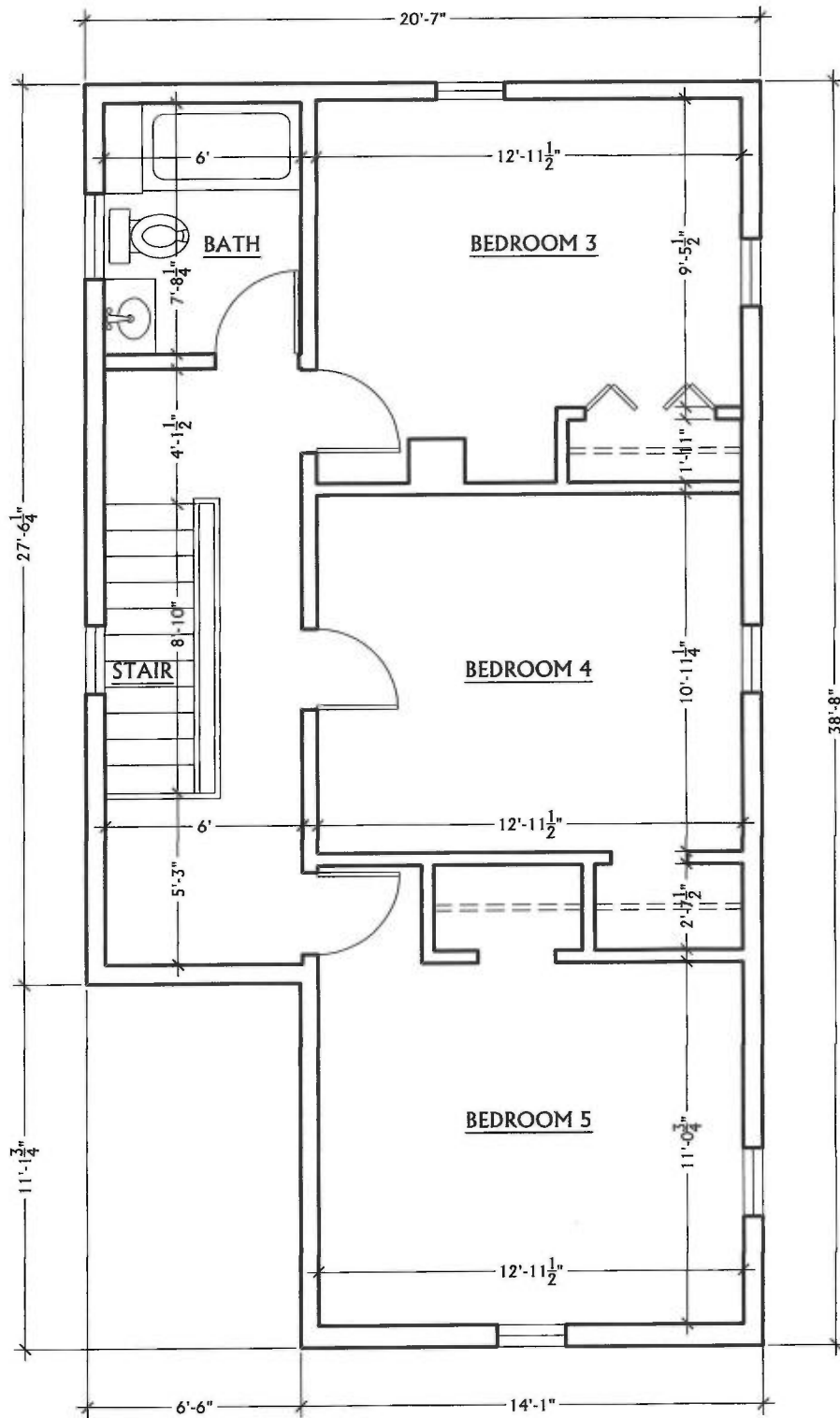
PROJECT: 601 EAST HOOVER  
PROPOSED ADDITION

EXISTING SITE PLAN

SIDEWALK on EAST HOOVER AVENUE





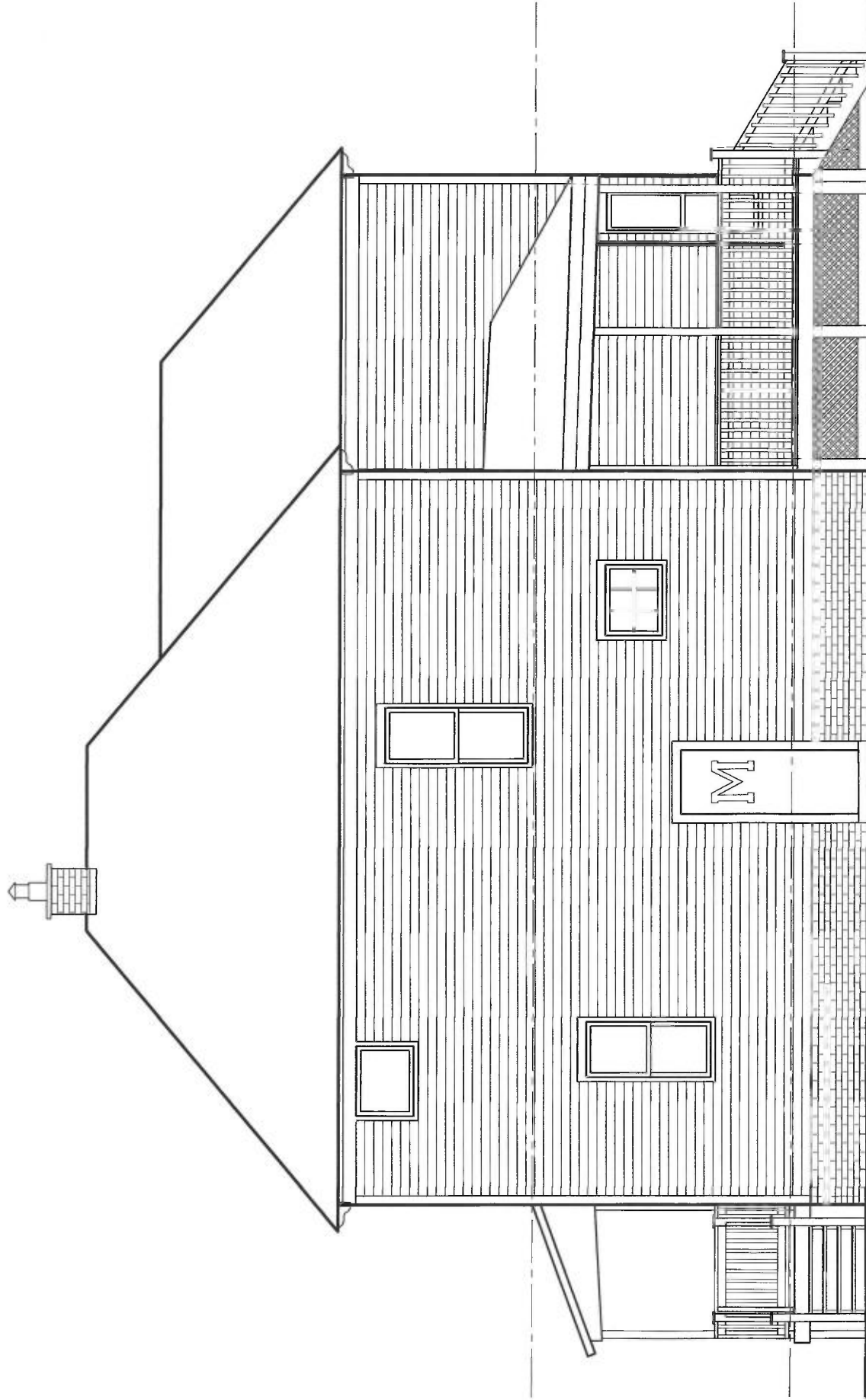


Existing 2nd Floor Plan - 601 E. Hoover  
Scale: 3/16" = 1'-0"



Existing South Elevation - 601 E. Hoover  
Scale:  $\frac{3}{16}" = 1'-0"$

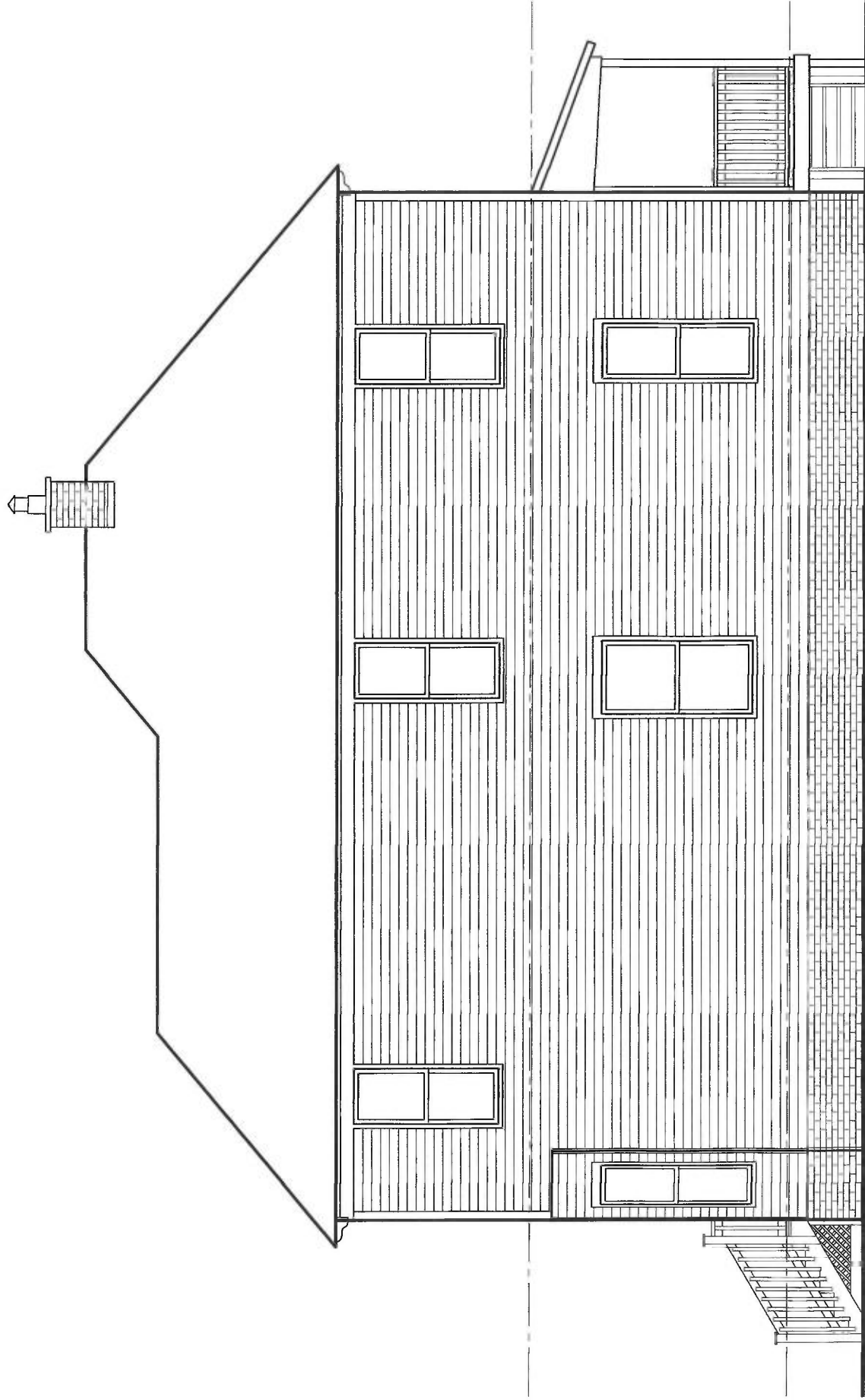




Existing West Elevation - 601 E. Hoover  
Scale: 3/16" = 1'-0"



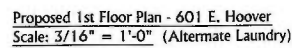
Existing North Elevation - 601 E. Hoover  
Scale:  $\frac{3}{16}" = 1'-0"$



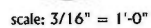
Existing East Elevation - 601 E. Hoover  
Scale: 3/16" = 1'-0"



66.0'

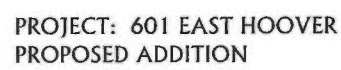
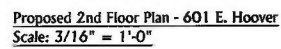


34.83'

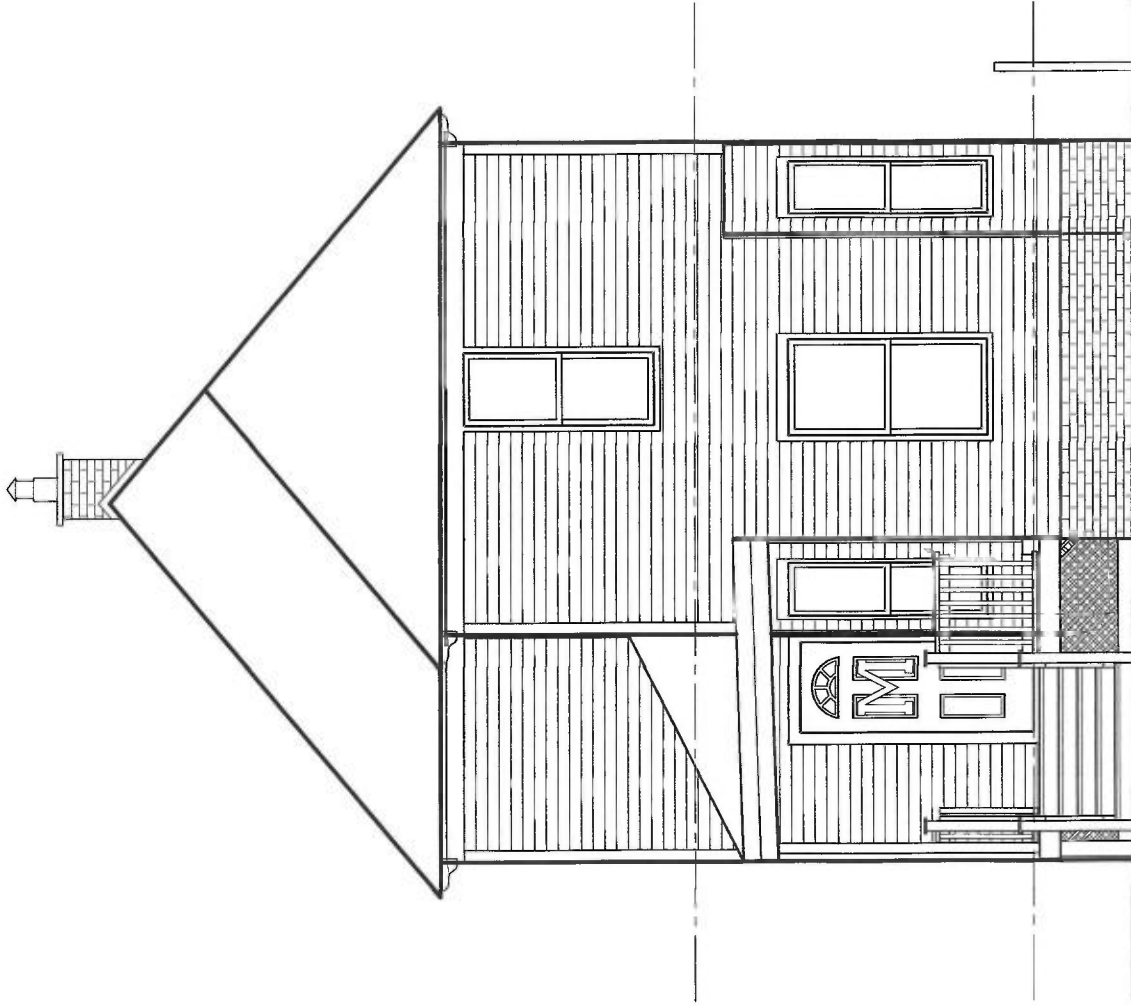


### PROPOSED 1st FLOOR PLAN

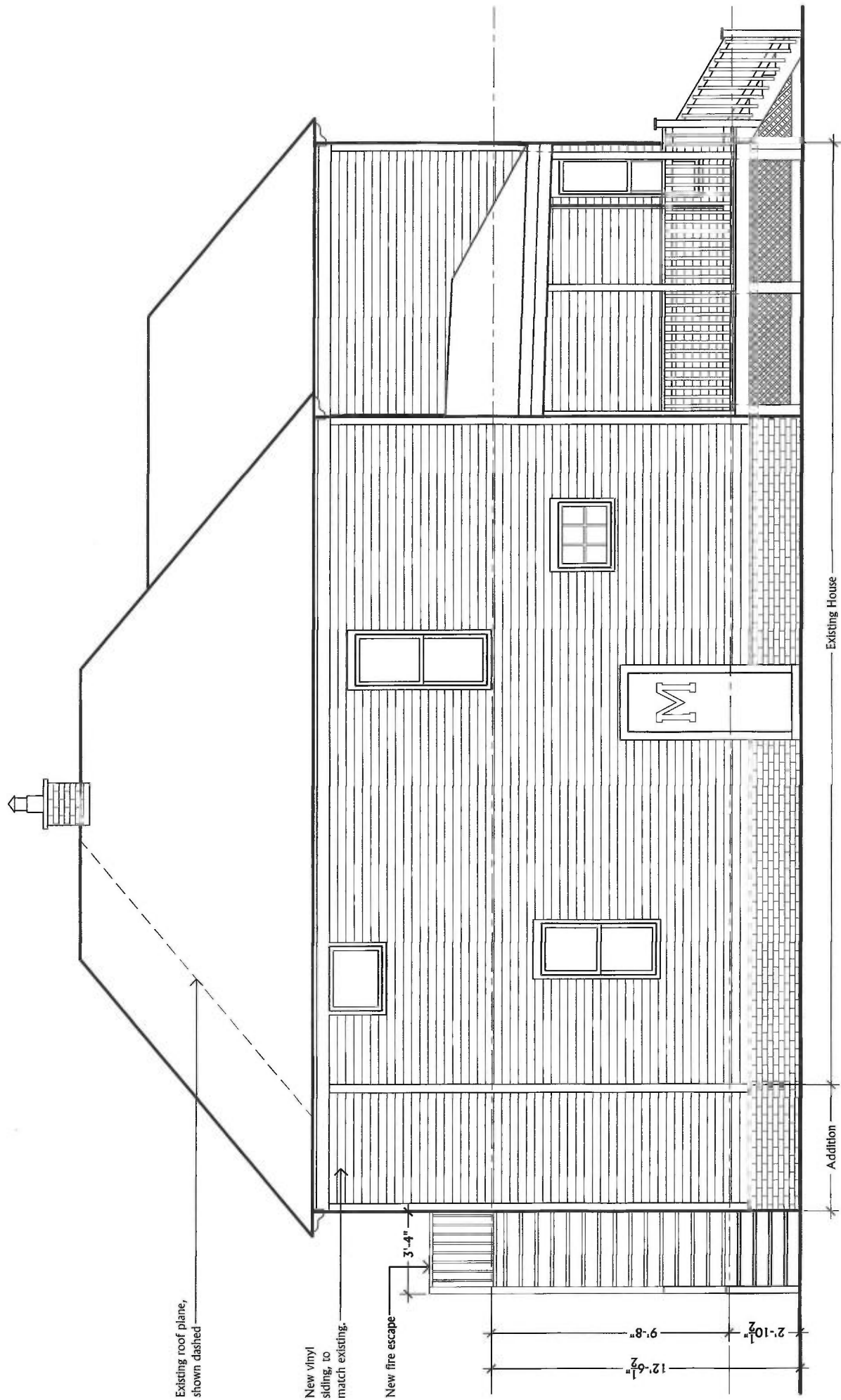
**SIDEWALK on EAST HOOVER AVENUE**



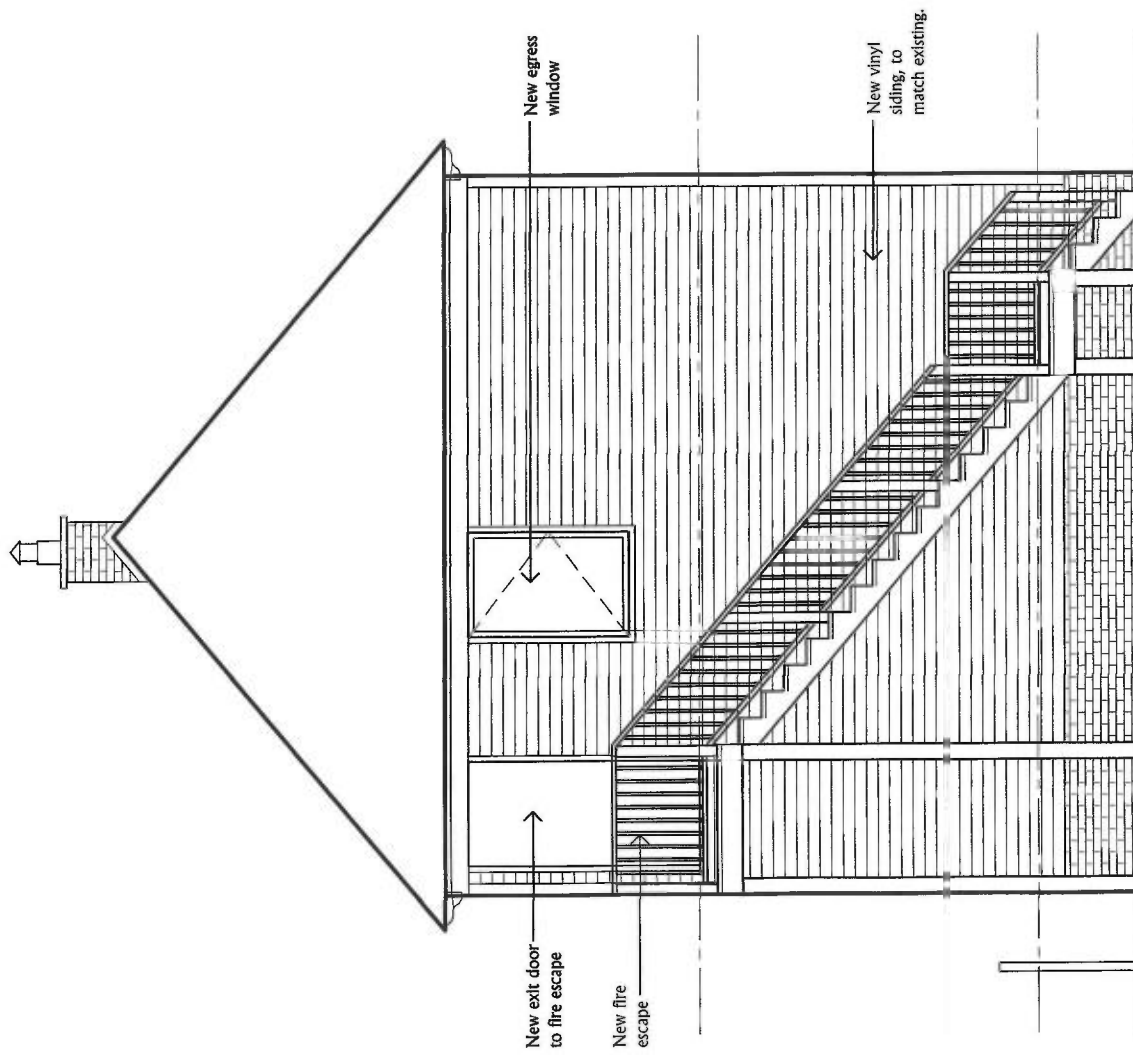
### PROPOSED 2nd FLOOR PLAN



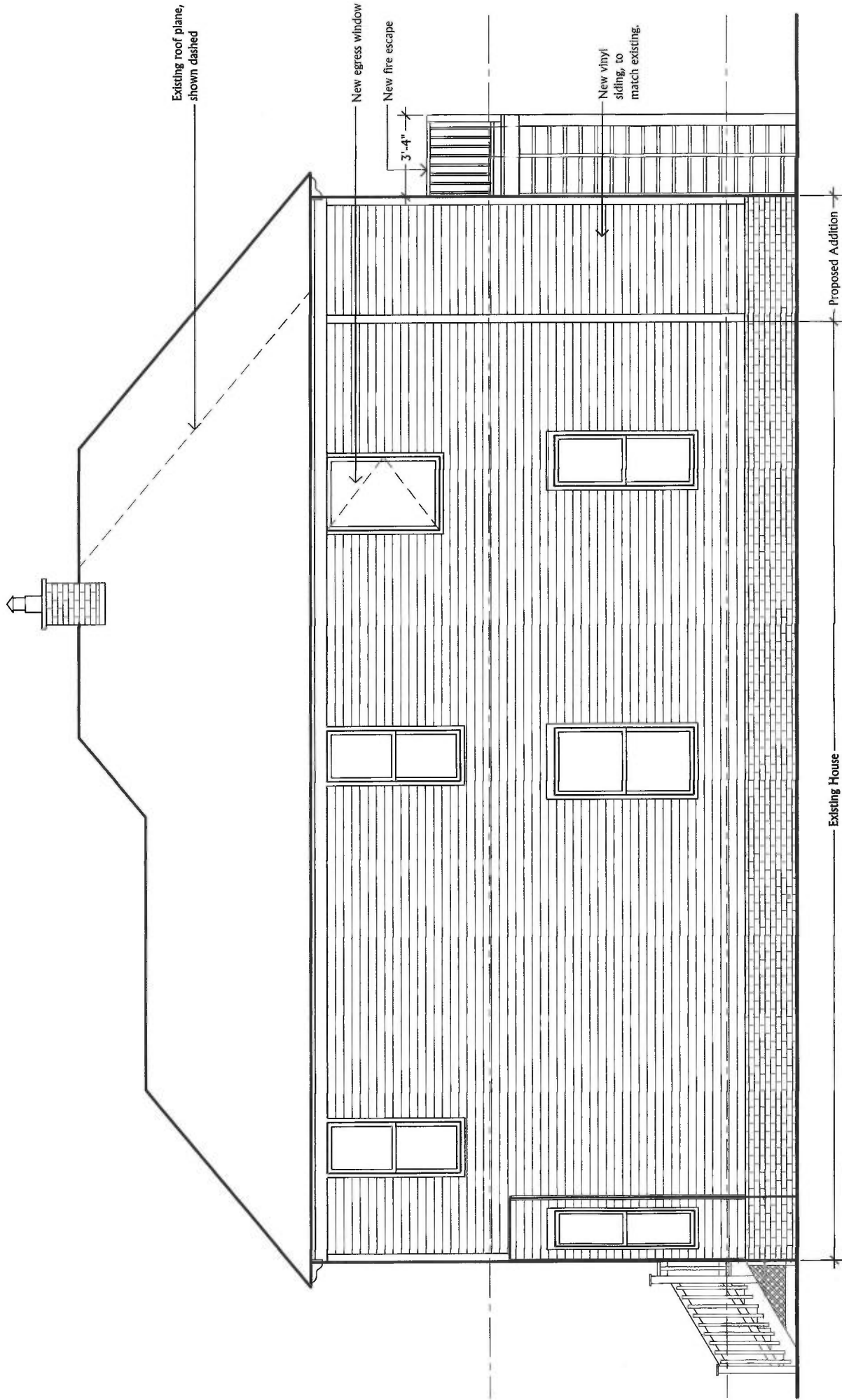
Proposed South Elevation - 601 E. Hoover  
Scale:  $\frac{3}{16}" = 1'-0"$



Proposed West Elevation - 601 E. Hoover  
Scale: 3/16" = 1'-0"







Proposed East Elevation - 601 E. Hoover  
Scale: 3/16" = 1'-0"